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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **TAWNY BYE,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **REGENT ASSET MANAGEMENT) *JURY TRIAL DEMANDED***
18 **SOLUTIONS, INC.,**)
19)
20 Defendant.)

21 **I. NATURE OF ACTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
24 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
25 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
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1 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
2 privacy by intrusion, ancillary to Defendant's collection efforts.
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4 **II. JURISDICTION**

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
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7 **III. PARTIES**

8 3. Plaintiff, Tawny Bye, is a natural person residing in the State of
9 Washington, County of Pierce, and City of Puyallup.
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11 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. §
12 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).
13

14 5. At all relevant times herein, Defendant, Regent Asset Management
15 Solutions, Inc., ("Defendant") was a company engaged, by use of the mails and
16 telephone, in the business of attempting to collect a "debt" from Plaintiff, as
17 defined by 15 U.S.C. §1692a(5).
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19 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §
20 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).
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22 **IV. FACTUAL ALLEGATIONS**

23 7. At various and multiple times prior to the filing of the instant complaint,
24 including within the one year preceding the filing of this complaint, Defendant
25 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
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1 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
 2 including but not limited to:
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- 4 a. Without having received the prior consent of Plaintiff or the express
 5 permission of a court of competent jurisdiction, and without it being
 6 necessary to effect a post-judgment remedy, communicating with
 7 Plaintiff's employer other than in the manner prescribed by 15 USC §
 8 1692b. On October 16, 2009, Defendant sent a fax to Plaintiff's
 9 employer. The fax was a communication with a third party that did not
 10 comply with the FDCPA's restrictions on such contacts (§ 1692c(b));
- 11 b. In connection with an attempt to collect an alleged debt from Plaintiff,
 12 providing the identity of Defendant to a third party without such
 13 information being expressly requested. Defendant's October 16, 2009,
 14 fax told Plaintiff's employer that the communication was from
 15 Defendant (§ 1692b(1) & § 1692c(b));
- 16 c. In connection with an attempt to collect an alleged debt from Plaintiff,
 17 contacting a third party for purposes other than obtaining location
 18 information. Defendant's October 16, 2009, fax requested information
 19 (like Plaintiff's pay rate) not related to location information (§ 1692b &
 20 § 1692c(b)); Failing to provide Plaintiff with the notices required by 15
 21 USC § 1692g, either in the initial communication with Plaintiff, or in
 22 writing within 5 days thereof. Defendant never provided Plaintiff with
 23 the notices required by 15 USC § 1692g(a) (§ 1692g(a)).

24 8. Defendant's aforementioned activities, set out in paragraph 7, also
 25 constitute an intentional intrusion into Plaintiff's private places and into private
 26 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
 27 person. With respect to the setting that was the target of Defendant's intrusions,
 28 Plaintiff had a subjective expectation of privacy that was objectively reasonable
 under the circumstances.

1 9. As a result of Defendant's behavior, detailed above, Plaintiff
2 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
3 embarrassment, mental anguish and emotional distress.
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5 **COUNT I: VIOLATION OF FAIR DEBT**
6 **COLLECTION PRACTICES ACT**
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8 10. Plaintiff reincorporates by reference all of the preceding paragraphs.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully prays that judgment be entered
11 against the Defendant for the following:
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- 13 A. Declaratory judgment that Defendant's conduct
14 violated the FDCPA;
15 B. Actual damages;
16 C. Statutory damages;
17 D. Costs and reasonable attorney's fees; and,
18 E. For such other and further relief as may be just and proper.
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20 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**
21 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**
22 **CONSUMER PROTECTION ACT**
23

24 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

Respectfully submitted this 27th day of January, 2010.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff